

MAR 29 2006

TERMINAL DISCLAIMER
U.S. Application Serial No.: 10/761,938
Attorney Docket No. 016472-0311710

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT
APPLICATION OF: Soheil SHAMS et al.
SERIAL NO.: 10/761,938
ATTORNEY DOCKET NO.: 016472-0311710
FILING DATE: January 21, 2004
ART UNIT: 2625 CONFIRMATION NO.: 2161
EXAMINER: Abolfazl Tabatabai
FOR: SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING
MICROARRAYS

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned, on behalf of the petitioner, **BioDiscovery, Inc.**, represents that the petitioner, **BioDiscovery, Inc.**, is the owner of the entire right, title and interest of:

(1) U.S. Application Patent No. 6,731,781 for SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING MICROARRAYS, by virtue of an Assignment to **BioDiscovery, Inc.**, from the inventors thereof, said assignment recorded on December 15, 1999, at Reel 010523, Frame 0014; and

(2) the above-captioned U.S. Application No. 10/761,938 by virtue of an Assignment to **BioDiscovery, Inc.**, from the inventors thereof executed on December 15, 1999, at Reel 015704, Frame 0721.

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Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned U.S. Application No. 10/761,938, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,731,781, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/761,938 shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,731,781 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/761,938, this agreement to run with any patent granted on U.S. Application No. 10/761,938 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/761,938 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,731,781 in the event said patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a Reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

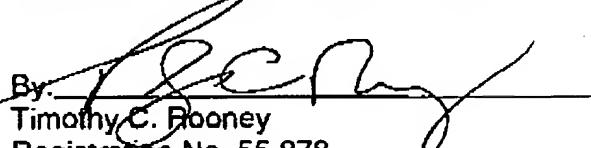
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The undersigned whose signature and title appear below is empowered to act on behalf of Petitioner.

Please charge the \$65.00 fee (Small Entity) for the filing of this Terminal Disclaimer to our Deposit Account No. 033975 (*Reference No. 016472-0311710*). Should this fee calculation be improper, please charge any deficiencies or credit any overpayments to our Deposit Account No. 033975 (*Reference No. 016472-0311710*).

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLC

By 
Timothy C. Rooney
Registration No. 55,878

Date: March 29, 2006

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PTO/SB/17 (12-04)
Approved for use through 07/31/2008 OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act 2005 (H.R. 4818)

FEE TRANSMITTAL
for FY 2005 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65)

Complete if Known

Application Number	10/761,938
Filing Date	January 21, 2004
First Named Inventor	SOHEIL SHAMS
Examiner Name	Abolfazl Tabatabai
Art Unit	2625
Attorney Docket No	016472-0311710

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify) _____

Deposit Account Deposit Account Number 033975 Deposit Account Name PILLSBURY WINTHROP SHAW PITTMAN LLP

For the above-identified deposit account, the Director is hereby authorized to (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150.00	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Each independent claim over 3 of, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

Small Entity Fee (\$)	Fee (\$)
50	25
200	100
300	150

Total Claims - 20 or MP = Extra Claims X Fee (\$) = Fee Paid (\$) Multiple Dependent Claims
 MP = highest number of total claims paid for, if greater than 20

Indep. Claims Extra Claims X Fee (\$) = Fee Paid (\$)

MP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(a)

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
100	/50=	(round up to a whole number)	125.00	=

4. OTHER FEE(S)

Non-English Specification: 130 fee (no small entity discount)

Other Terminal Disclaimer

Fee Paid (\$)
65.00

SUBMITTED BY

Signature		Registration No (Attorney/Agent)	55,878	Telephone	703 270 7939
Name (Print/Type)	Timothy C. Rooney			Date	March 29, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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